

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, independent claims 1, 10, 18, 20, and 26-27 are amended to clarify that in a home based LAN having a plurality of equipment, a new control menu is downloaded from a remote server via the internet, and based upon that new menu, a new control program is downloaded. Applicants respectfully submits, however, that the claims are not narrowed by such an amendment since such amendment only makes explicit that which was implicitly recited in the original claims.

Claims 1-6, 10-13, 18, 20-22 and 26-28 stand rejected under 35 U.S.C. 103(c) as unpatentable over Fong (US 20050249169 in view of Bushey (US 20030217186). In response, independent claims 1, 10, 18, 20, and 26-27 are amended, and as presented below, are believed to be patentable over the applied art for the failure of the applied art to disclose, teach or suggest all of Applicant's recited claim features.

As amended, claim 1 recites, *inter alia*, "determining whether a new control menu exists on server remote from the home network by accessing the remote server via the Internet according to a set period, wherein the control menu is associated with a piece of equipment in the home network;..." The Examiner alleges that Fong, at paragraph [0050] and paragraph [0069], discloses determining whether a new control menu exists by accessing the Internet. We disagree.

At paragraph [0050] Fong appears to only disclose wherein the main server 100 periodically updates information on the electronic devices connected to the LAN 150. We believe the Examiner incorrectly interprets Fong as to indicate that data on the electronic devices is updated by the main server. A more detailed reading of Fong explains that the main server manages the LAN, and as such, needs to maintain information regarding devices on that LAN and therefore the information being updated is not data to be transmitted to the electronic devices, but is instead, data transmitted from the electronic devices and stored on the main server.

Similarly, paragraph [0069] appears to only describe a process of controlling electronic devices using a control device that broadcasts a Menu Request command to the devices on the wireless LAN. The menu request message is a generic message requesting electronic devices on the wireless LAN to identify themselves and provide a location for the control menu of the respective electronic device.

Applicant respectfully submits that nowhere does Fong disclose, teach, or suggest determining whether a new command menu is available on the Internet, downloading that menu from the Internet, and subsequently downloading a new control program from the Internet, using the new control menu.

Bushey appears to only relate to multimedia downloads to peer network appliances and fails to remedy the deficiencies of Fong.

Accordingly, since neither of the applied references discloses, teaches or suggests each and every feature recited in independent claim 1, the rejection of independent claim 1 under 35 U.S.C. §103(a) is improper.

Independent claims 10, 18, 20, and 26-27 are amended similarly to claim 1 and are believed likewise patentable over

Applicant respectfully submits, therefore, that independent claims 1, 10, 18, 20, and 26-27 are patentable over the asserted combination of references, either alone or in permissible combinations. Claims 2-6, 11-13, 21, 22, and 28 are likewise patentable at least based on their dependency on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Fong and Bushey is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/

Yoon S. Ham

Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: October 16, 2008
YSH/ERM